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THOMAS F. MEAGHER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

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**DEC 04 2003**

In re Application of  
James C. Sturm et al  
Application No. 09/673,204  
Filed: February 1, 2001  
Attorney Docket No. 7616/21

**OFFICE OF PETITIONS  
NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (703) 306-5684.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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This file is being forwarded to Technology Center AU 1742.

*Irvin Dingle*  
Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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NOV 24 2003

U.S. DEPARTMENT OF COMMERCE OFFICE OF PETITIONS  
PATENT AND TRADEMARK OFFICE

**CORRECTION OF SMALL ENTITY  
STATUS AND FEE DEFICIENCY  
PAYMENT UNDER 37 C.F.R. § 1.28(c)**

Docket Number:  
10020/28302

Confirmation No.:  
3470

Application Number  
09/673,204

Filing Date  
February 1, 2001

Examiner  
CLEVELAND, Michael B.

Art Unit  
1762

Invention Title  
**MODIFICATION OF POLYMER  
OPTOELECTRONIC PROPERTIES AFTER  
FILM FORMATION IMPURITY ADDITION  
OR REMOVAL**

Inventor(s)  
STURM et al.

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 11/18/03

Signature: *Thomas F. Meagher*  
Thomas F. Meagher (Reg. No. 29,831)

SIR:

Applicants hereby submit that small entity status was established or maintained in good faith and fees as a small entity were paid in good faith. Applicants later discovered that such status as a small entity was established or maintained in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by 37 C.F. R. § 1.27(g)(2).

Accordingly, Applicants request that the small entity status be withdrawn and that the Office charge the deficient fees to Deposit Account No. 11-0600 as itemized below. Applicants further request that the error in establishing or maintaining small entity status be excused in view of Applicants' compliance with 37 C.F. R. § 1.28(c)(1) and (c)(2).

**Itemization of Fee Deficiency Payment:**

|   | <u>Fee<br/>Paid</u> | <u>Current<br/>Fee</u> | <u>Deficiency<br/>Owed</u> |
|---|---------------------|------------------------|----------------------------|
| Basic National Stage Filing Fee paid 10/12/00     | \$345.00            | \$730.00               | \$385.00                   |
| Additional Claims Fee 10/12/00( 16 claims extra)  | \$144.00            | \$288.00               | \$144.00                   |
| Extra Independent Claims Fee 10/12/00 (3 extra)   | \$117.00            | \$258.00               | \$141.00                   |
| Late Filing of Declaration Surcharge of 10/12/00  | \$ 65.00            | \$130.00               | \$ 65.00                   |
| <u>Two Month Extension of Time Fee of 1/29/01</u> | <u>\$195.00</u>     | <u>\$420.00</u>        | <u>\$225.00</u>            |
| <b>TOTAL FEES DUE</b>                             | <b>\$866.00</b>     | <b>\$1,826.00</b>      | <b>\$960.00</b>            |

11/24/2003 AWONDAF1 00000051 110600 09673204

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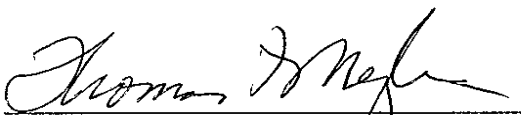


Accordingly, the Office is authorized to charge the **\$960.00** (deficiency) to the Deposit Account of Kenyon & Kenyon, **Deposit Account No. 11-0600**. The Office is also authorized to charge any additional fees or credit any overpayment arising from this communication to the same account.

A duplicate copy of this letter is enclosed for charging purposes.

Respectfully submitted,

Date: 11/18/03

By:   
Thomas F. Meagher (Reg. No. 29,831)

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